United Nations A/C.3/71/SR.52

General Assembly
Seventy-first session

Official Records

Distr.: General
12 January 2017

Original: English

Third Committee

Summary record of the 52nd meeting
Held at Headquarters, New York, on Friday, 18 November 2016, at 10 a.m.

Chair: Ms. Mejía Vélez ..... (Colombia)

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The meeting was called to order at 10.05 a.m.

Agenda item 26: Social development (*continued*)

(a) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/71/L.6/Rev.1 and A/C.3/71/L.7/Rev.1)

Draft resolution A/C.3/71/L.6/Rev.1: Follow-up to the twentieth anniversary of the International Year of the Family and beyond

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Plasai** (Thailand), introducing the draft resolution on behalf of the Group of 77 and China, presented an oral revision to the text: in paragraph 3, the words "in order" should be deleted.

3. **Mr. Khane** (Secretary of the Committee) said that Belarus, the Russian Federation and Turkey had become sponsors of the draft resolution.

4. *Draft resolution A/C.3/71/L.6/Rev.1, as orally revised, was adopted.*

5. **Ms. Phipps** (United States of America) said that her delegation welcomed the emphasis in the draft resolution on work-life balance, social integration, intergenerational solidarity, responsibilities of all family members, lifelong learning opportunities, gender equality and empowerment of women, and the need to eliminate violence against women and girls. Nevertheless, given the existence of different family structures, all of which had the ability to provide a supportive and nurturing environment, her delegation would have preferred a specific mention of the "diversity of families" or "various forms of the family."

6. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that the European Union shared the view expressed by many other delegations about the valuable contribution that families made to strengthen society and the need to develop policies to support their role. However, for such policies to be successful, they must be inclusive. Throughout the world, families were changing in response to economic and social developments. The family was a living, dynamic entity, and policy discussions should reflect the fact that in different cultural, social and political systems various forms of the family existed. In that connection, the European Union understood all references to the term "family" in the resolution as reflecting that inclusivity.

7. The European Union regretted that the concept of family continued to be a divisive issue in deliberations at the United Nations. That should not be the case, as all delegations recognized the value of families and their contribution to society and human development. The European Union would continue to engage constructively with partners in order to reach a consensus on the issue.

8. **Mr. Ríos Sánchez** (Mexico) said that while his delegation welcomed the draft resolution, in line with the country's national position and various regional agreements it would have liked the draft resolution to reflect the various forms that families could take.

Draft resolution A/C.3/71/L.7/Rev.1: Follow-up to the Second World Assembly on Ageing

9. **The Chair** said that the draft resolution had no programme budget implications.

10. **Mr. Khane** (Secretary of the Committee) said that Albania, Austria, Croatia, Ireland, Italy, Kazakhstan, Liechtenstein, Malta, Monaco, Portugal, the Republic of Korea, the Republic of Moldova, San Marino, Serbia, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America had become sponsors of the draft resolution.

11. *Draft resolution A/C.3/71/L.7/Rev.1 was adopted.*

12. **Ms. Mozolina** (Russian Federation) said that the Russian Federation was committed to providing older persons with equal opportunities to exercise their rights and achieve their potential. Her delegation's support for the draft resolution, however, should not be interpreted as approval for changes to be made to the mandate of the Open-ended Working Group on Ageing or to any aspect of its working methods.

Agenda item 67: Right of peoples to self-determination (*continued*) (A/C.3/71/L.42)

Draft resolution A/C.3/71/L.42: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

13. **The Chair** said that the draft resolution had no programme budget implications.

14. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that its adoption would send a message that the use of mercenaries posed a threat to peace, security, self-determination of peoples and human rights.

15. **Mr. Khane** (Secretary of the Committee) said that Angola, Belize, Botswana, Burundi, the Central African Republic, Chile, Comoros, the Dominican Republic, Ecuador, Egypt, Ghana, the Lao People's Democratic Republic, Libya, Madagascar, Malaysia, Nigeria, Peru, Saint Vincent and the Grenadines, Sri Lanka, Uganda, Uruguay and Zimbabwe had become sponsors of the draft resolution.

16. *At the request of the representative of Slovakia, a recorded vote was taken on draft resolution A/C.3/71/L.42.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Liberia, Mexico, Norway, Palau, Switzerland, Tonga.

17. *Draft resolution A/C.3/71/L.42 was adopted by 117 votes to 50, with 6 abstentions.*

18. **Ms. Mac Loughlin** (Argentina) said that her Government fully supported the right to self-determination of peoples subjected to colonial domination and foreign occupation, in accordance with General Assembly resolutions 1514 (XV) and 2625 (XXV). The exercise of the right to self-determination required an active subject, namely a people subjected to alien subjugation, domination and exploitation, without which the right to self-determination was not applicable. The draft resolution just adopted should be interpreted and implemented in keeping with the relevant resolutions of the General Assembly and the Special Committee on Decolonization.

19. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that the European Union welcomed the removal of the reference to foreign fighters from the draft resolution, as foreign fighters did not fall within the scope of the draft resolution or

the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. However, the content and meaning of the draft resolution had remained essentially unchanged. The European Union's concerns about the draft resolution persisted, specifically with regard to its controversial, unclear and confusing approach towards the work and mandate of the Working Group.

20. Mercenaries as defined under international humanitarian law came under the mandate of the Working Group. However, private military and security companies did not fall under its mandate, but under that of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, which should remain the primary forum for discussions on that issue.

21. In the draft resolution, the European Union saw a prolonged and consistent confusion between mercenaries, private security companies and private military companies. That undermined the activities of the open-ended intergovernmental working group, which was working on an international regulatory framework for the regulation and oversight of the activities of private military and security companies. Such confusion and lack of clarity was also detrimental to addressing legitimate human rights concerns emanating from both the use of mercenaries and the use of private security companies and private military companies. For those reasons, the European Union was unable to support the draft resolution in its current form.

22. **Mr. Al-Hussaini** (Iraq) said that his delegation had voted in favour of the draft resolution with a view to supporting States' efforts to combat the use of foreign mercenaries by terrorist groups. National, regional and international strategies and effective preventative measures were needed to prevent the recruitment and training of foreign mercenaries for the purposes of terrorism and other related crimes. Enhanced collaboration among States was also required to combat the financing of mercenary groups, prevent them from obtaining arms and materiel and stop foreign mercenaries from travelling to States in which armed terrorist groups were active.

23. **Mr. Torbergsen** (Norway) said that his delegation had abstained from voting. When the draft resolution came before the General Assembly, Norway would vote against it.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
(A/C.3/71/L.29, A/C.3/71/L.34, A/C.3/71/L.38/Rev.1, A/C.3/71/L.53)

Draft resolution A/C.3/71/L.29: Declaration on the Right to Peace

24. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, presented an oral revision to the text. The third preambular paragraph should be amended to read: "Recalling also the Declaration on the Right to Development, the United Nations Millennium Declaration, the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, and the 2005 World Summit Outcome,". The adoption of the draft resolution was a moral obligation that would send a strong message about States' commitment to promoting and protecting the right to peace.

25. **Mr. Khane** (Secretary of the Committee) said that Belarus, Benin, Cameroon, the Central African Republic, China, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Ghana, Indonesia, the Lao People's Democratic Republic, Myanmar, Nigeria, Paraguay, Senegal, South Africa, the Sudan, Togo, Uganda and Zimbabwe had become sponsors of the draft resolution.

Statements made in explanation of vote before the voting

26. **Ms. Brooke** (United States of America) said that her delegation supported a constructive path forward in affirming the relationship between human rights and peace. However, the United States did not agree with attempts to develop a collective right to peace that would in any way modify or stifle the exercise of existing human rights, including through the adoption of draft resolution A/C.3/71/L.29. The texts of the Declaration on the Right to Peace and the draft

resolution did not address her delegation's concerns; for those reasons, the United States had requested a recorded vote on the draft resolution.

27. **Mr. Thórsson** (Iceland), speaking also on behalf of Australia, Liechtenstein, New Zealand, Norway, and Switzerland, said that the global community had reconfirmed its commitment to peace and security with the adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, in particular Goal 16 on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

28. The Declaration on the Right to Peace reinforced that commitment and reaffirmed that peace and security, development and human rights were the pillars of the United Nations system and the foundations for collective security and well-being, and that development, peace and security and human rights were interlinked and mutually reinforcing. By reinforcing those principles, the Declaration carried some value.

29. However, there was currently no common legal understanding of a specific right to peace. It was also unclear who would be the rights-bearers or the duty-bearers of such a right. In addition, the preamble of the Declaration contained many elements that would benefit from further clarity and greater balance to ensure that it represented the full range of views of the States Members of the United Nations. For those reasons, Australia, Iceland, Liechtenstein, New Zealand, Norway and Switzerland were not in a position to support the draft resolution.

30. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/71/L.29.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Israel, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Cyprus, Fiji, Greece, Iceland, Italy, Liechtenstein, Norway, Palau, Poland, Portugal, Republic of Moldova, San Marino, Serbia, South Sudan, Switzerland, Turkey.

31. *Draft resolution A/C.3/71/L.29, as orally revised, was adopted by 116 votes to 34, with 19 abstentions.*

32. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that the European Union had participated actively and constructively in the discussions of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace since its establishment in 2012.

Throughout its existence, the working group had been a model of cooperation, open dialogue and debate. All sides had shown readiness to build momentum towards a possible consensus on a declaration acceptable to all. However, in spite of those efforts, it had not been possible to reach a consensus on the Declaration on the Right to Peace.

33. There was no legal basis in international law for the existence of a right to peace. Indeed, there was no internationally agreed definition of peace, or any agreement on who would be the rights-bearers or the duty-bearers of such a right. In addition, the Declaration was open to interpretation and could therefore be contrary to some provisions of the Charter of the United Nations. The absence of peace could not justify the failure to respect human rights. Accordingly, the European Union was not in a position to support draft resolution A/C.3/71/L.29.

34. **Mr. Mizumoto** (Japan) said that his delegation had voted against the draft resolution. While the notion of a right to peace was acceptable, it was premature to recognize it as a human rights principle given that it had not been established in international law. Member States had not reached a consensus on the legal connection between peace and human rights, and an inclusive discussion on the issue should be continued. Japan had participated constructively in the activities of the open-ended intergovernmental working group. The adoption of the draft resolution without first having reached a consensus was regrettable and he hoped that it did not set a precedent.

35. **Mr. Naqi** (Canada) said that Canada was committed to fostering peaceful, just and inclusive societies. As noted in the draft resolution, development, peace, security and human rights were interlinked and mutually reinforcing. However, there was currently no agreement on the existence of a right to peace in international law. Furthermore, his delegation was concerned that the right to peace could be invoked by some to justify violations of certain human rights, such as freedom of expression, association and peaceful assembly. For those reasons, Canada could not support the draft resolution.

36. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his delegation had voted in favour of the draft resolution. The right to peace was a prerequisite for the full realization and enjoyment of all human rights and economic and social progress. The notion of the right to peace existed as a collective right in the normative framework of international law and enjoyed broad support among the international community. However, in order to ensure the right to peace, the international community must adopt a holistic approach and pay due attention to all aspects of the Declaration. Unfortunately, some important considerations for the effective and sustainable realization of the right to peace, such as the role of weapons of mass destruction — which posed an unprecedented challenge to international security — had been overlooked in the Declaration in the interests of reaching consensus. No sustainable situation of peace, and accordingly no right to peace, could be ensured with the existence and threat of use of weapons of mass destruction.

37. **Ms. Nescher** (Liechtenstein), speaking also on behalf of Austria, Belgium, Costa Rica, El Salvador, Estonia, Iceland, Latvia, Lithuania, Luxembourg, Poland, Slovenia, Switzerland, said that the draft resolution called upon all States to promote universal respect for the right to peace. One of the purposes of the United Nations, as set out in the Charter, was "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace".

38. Accordingly, one of the key contributions to promoting peace was to complement the provisions of the Charter, which regulated the legality of the use of force, with provisions that established individual criminal responsibility for crimes of aggression. That step had been taken at the Review Conference of the Rome Statute of the International Criminal Court held in 2010, when States parties had adopted a number of amendments to the Statute, including provisions on crimes of aggression. The entry into force of the amendments in 2017 would constitute a historic step in efforts to stop illegal war making and be an enormous contribution to the maintenance of peace. She called upon all States, in particular the supporters of the Declaration, to ratify the Rome Statute and the amendments to ensure that the perpetrators of crimes against peace were held accountable.

39. **Mr. Qassem Agha** (Syrian Arab Republic) said that his country had voted in support of the draft resolution because it was in line with the purposes and principles enshrined in the Charter of the United Nations and embodied the spirit of several relevant international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action. The draft resolution would, moreover, support efforts to implement the 2030 Agenda for Sustainable Development and help to underscore the obligations of all Member States to, inter alia, refrain in their international relations from the threat or use of force against other countries, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice were not endangered.

Draft resolution A/C.3/71/L.34: Enhancement of international cooperation in the field of human rights

40. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution on behalf of the States Member of the United Nations that were members of the Movement of Non-Aligned Countries, said that the draft resolution recognized the essential role of enhanced international cooperation in achieving all goals of the United Nations, including the promotion of human rights. He hoped that delegations would maintain the spirit of constructive dialogue and cooperation that had contributed to the adoption of the draft resolution in previous years.

41. **Mr. Khane** (Secretary of the Committee) said that El Salvador, Paraguay and the Russian Federation had joined the sponsors.

42. *Draft resolution A/C.3/71/L.34 was adopted.*

43. **Ms. Brooke** (United States of America) said that her delegation considered the reference in the draft resolution to a global food crisis to be inaccurate. Although regional food crises, high food prices and price volatility existed in some areas of the world, various United Nations bodies, including the Food and Agriculture Organization, had made it clear that the current situation did not constitute a global food crisis.

Draft resolution A/C.3/71/L.38/Rev.1: Extrajudicial, summary or arbitrary executions

44. **Mr. Skoog** (Sweden), introducing the draft resolution on behalf of Denmark, Finland, Iceland, Norway and Sweden, said that the right to life and the fight against impunity were at the core of the draft resolution. During negotiations on the text of the draft resolution, there had been very strong and broad support to focus on two specific areas: gender and Agenda 2030, especially in relation to goals 5 and 16.

45. The crucial need to combat extrajudicial, summary or arbitrary executions was a shared concern within the international community. The sponsors had tried to accommodate the concerns and suggestions of delegations and genuinely believed that the revised draft resolution was the best available compromise. Against that backdrop, his delegation noted with regret the proposed amendment contained in document A/C.3/71/L.53 and appealed to the main sponsors of the amendment to reconsider whether it was necessary.

46. **Mr. Khane** (Secretary of the Committee) said that Bolivia (Plurinational State of), Ecuador, Guatemala, Serbia, the former Yugoslav Republic of Macedonia and Venezuela (Bolivarian Republic of) had joined the sponsors.

47. **Mr. Shadiev** (Uzbekistan), introducing the draft amendment contained in document A/C.3/71/L.53 on behalf of the States members of the Organization of Islamic Cooperation (OIC), said that all human rights were universal, indivisible, interrelated, interdependent and mutually reinforcing and that it was universally acknowledged that in no country or territory could it be claimed that all human rights had been fully realized at all times for all. OIC member States would not shrink from that formidable task. The principles of non-discrimination and equality cut across the many areas related to the realization of human rights and fundamental freedoms and were well entrenched in the Charter of the United Nations and internationally agreed human rights instruments, as they affirmed faith in the dignity and worth of the human person and in the equal rights of men and women.

48. OIC believed that people were not inherently vulnerable but some individuals were made vulnerable by their socioeconomic setting. Given the wide range of vulnerable groups, an exhaustive listing of which

would be impossible, it would be more prudent to alter the language in paragraph 6 (b) to ensure that no one could suffer discrimination. OIC member States deplored all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals, on any grounds, wherever they occurred, and called upon all Member States to step up their efforts toward the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. Member States should refrain from attempting to give priority to the rights of certain individuals, as doing so could result in positive discrimination at the expense of the rights of others, in contravention of the principles of non-discrimination and equality. For those reasons, OIC member countries proposed the amendment and called upon Member States to support it.

49. **Mr. Khane** (Secretary of the Committee) said that the Central African Republic and the Russian Federation had joined the sponsors.

50. **The Chair** said that a recorded vote had been requested on the proposed amendment contained in document A/C.3/71/L.53.

Statements made in explanation of vote before the voting

51. **Mr. Skoog** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the sponsors of the draft resolution, said that his delegation would not vote for the proposed amendment and asked others to do the same. The Special Rapporteur on extrajudicial, summary or arbitrary executions had repeatedly affirmed that certain groups were more vulnerable to unlawful killings than others. As it had done for over a decade, the draft resolution spelled out which groups those were. It would send a very negative message to those groups if the General Assembly decided that they no longer deserved special protection. The fact that the list was not exhaustive did not make it irrelevant, as those on the list still needed protection and perpetrators of acts against them still should be brought to justice. The purpose of the draft resolution could therefore not be achieved effectively without the inclusion of the list.

52. **Ms. Mendelson** (United States of America) said that deletion of the list of vulnerable populations would imply that people targeted for extrajudicial summary or arbitrary violence on account of their affiliation or identity did not enjoy the same right to life as others. The international community should vote against the proposal, thereby affirming that all human rights applied to everyone. Indeed, two years earlier, the General Assembly had voted overwhelmingly in favour of maintaining the language of the same draft resolution. Since then, the Human Rights Council had reaffirmed that all human rights applied to everyone, regardless of their sexual orientation and gender identity. Removing the list of vulnerable groups was a veiled attempt to imply that people of different sexual orientations and gender identities did not enjoy the same right to life as others, which was not the intent of the sponsors of the document.

53. **Mr. Shearman** (United Kingdom) said that the purpose of the draft resolution was to reiterate a State's obligation to conduct prompt, thorough and fair investigations into all suspected extrajudicial, arbitrary and summary killings, irrespective of who the victim was. It did not require Member States to take a moral stance on sensitive issues, including sexual and gender identity, relating to the groups in the list proposed in paragraph 6 (b), but merely identified individuals who might be at greater risk. Recalling that Member States were responsible for ensuring that human rights were enjoyed on an equal basis by all, he called on delegations to vote against the proposed amendment.

54. **Ms. Kirianoff Crimmins** (Switzerland), speaking also on behalf of Australia, Canada, Liechtenstein, New Zealand, said that her Government opposed the proposed amendment. Experience had shown that there had been a global failure to consistently investigate all cases of extrajudicial, summary or arbitrary executions. Express reference to the vulnerable groups in paragraph 6 (b), a list that could be lengthened in the future, underscored the need to investigate any such killings.

55. **Ms. Duncan Villalobos** (Costa Rica) said that the removal of the list of vulnerable groups in paragraph 6 (b) would send the wrong message to victims and leave them defenceless. Her delegation would therefore vote against the proposed amendment and encouraged other delegations to do the same.

56. *A recorded vote was taken on the amendment contained in document A/C.3/71/L.53.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Mali, Morocco, Mozambique, Niger, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, Uzbekistan, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Antigua and Barbuda, Benin, Bhutan, Cabo Verde, Fiji, Ghana, Guinea-Bissau, Haiti, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Malawi, Mauritius, Myanmar, Namibia, Nepal, Nigeria, Philippines, South Sudan, Swaziland, Togo, Trinidad and Tobago, United Republic of Tanzania, Viet Nam, Zambia.

57. *The amendment contained in document A/C.3/71/L.53 was rejected by 84 votes to 60, with 27 abstentions.*

58. **Ms. Morton** (Australia) said that it was impossible to list all groups at risk of discrimination, but that it was worthwhile taking note of those which were particularly vulnerable or targeted, including on the basis of their sexual orientation or gender identity. The purpose of paragraph 6 (b) was not to create special rights or to prioritize the rights of certain individuals, but to protect the rights of all by recognizing that some individuals were more likely to suffer from deadly violence than others.

59. **Mr. Shadiev** (Uzbekistan), speaking on behalf of the States members of OIC, said that OIC strongly rejected any attempt to undermine the international human rights system by imposing concepts pertaining to social issues that were not part of the internationally agreed human rights legal framework. Such attempts disregarded the universality of human rights and disrespected cultural and social specificities, norms and diversities that existed between societies and communities. The group was alarmed, in particular, at systematic efforts to reinterpret the Universal Declaration of Human Rights and other international treaties in the light of notions never articulated or agreed by the general membership of the United Nations and to impose those notions through United Nations resolutions. His delegation requested a recorded vote on draft resolution A/C.3/71/L.38/Rev.1 and called on all delegations with similar positions to abstain during the vote.

60. **Mr. Moussa** (Egypt), speaking in explanation of vote before the voting, said that his Government deplored extrajudicial, summary and arbitrary executions on any grounds, and remained committed to combating discrimination, intolerance and violence directed against people, communities and individuals. However, his Government strongly opposed the codification of concepts pertaining to social matters on which there was not international consensus. Such codification undermined the human rights system and detracted from the objectives that the resolution was intended to achieve. As coordinator of the Organization of Islamic Cooperation group on human rights and humanitarian affairs his Government had requested,

during the informal consultations, that paragraph 6 (b) should be amended, in order to facilitate the achievement of consensus on the resolution and thereby ensure that discriminatory extrajudicial, summary or arbitrary executions would never be tolerated. Regrettably, however, its calls had not been heeded; his delegation would therefore abstain from voting, and called on all like-minded delegations to do the same.

61. **Mr. Skoog** (Sweden) said that his delegation had been hoping that consensus would be reached at the current session; the current text was as good a compromise as possible. The proposed amendment had been rejected; it was regrettable that, notwithstanding, a vote had been called on the draft resolution as a whole. His delegation would vote in favour.

62. *At the request of the delegation of Uzbekistan, a recorded vote was taken on draft resolution A/C.3/71/L.38/Rev.1.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

None.

Abstaining:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burundi, Cameroon, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saudi Arabia, Senegal, South Sudan, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

63. *Draft resolution A/C.3/71/L.38/Rev.1 was adopted by 106 votes to none, with 69 abstentions.*

64. **Ms. Mozolina** (Russian Federation) said that her delegation agreed with many of the provisions for eradicating extrajudicial, summary or arbitrary killings, which were acts that violated fundamental human rights and freedoms, including the right to life. Nevertheless, her delegation had abstained from voting because the draft resolution contained a number of serious faults.

65. First, her delegation opposed efforts to impose the Rome Statute of the International Criminal Court (ICC) on Member States as a source of international law, since it was not a universal treaty. Second, the draft resolution optimistically overstated the activity of ICC, harking back to an earlier time when the international community had had high hopes for it. Since that time, various forums, including the General Assembly and the United Nations Security Council, had pointed to the inefficiency and partiality of its work. Indeed, in 14 years of service, it had handed down only four sentences at an expense of over one billion dollars. The recent refusal by certain States to cooperate with the Court was clear evidence of the systemic crisis which it faced. Third, the selection in the text of certain vulnerable groups that deserved special attention in the fight against extrajudicial

killings was arbitrary. Fourth, she questioned the link drawn between capital punishment and the arbitrary deprivation of life. Lastly, it was unjustified to mainstream the topic of women, peace and security in the context of the protection of civilians.

66. **Mr. Mohamed** (Sudan) said that his delegation had abstained in the vote on the draft resolution because it included a reference to controversial concepts on which no international legal consensus had been reached, namely sexual orientation and gender identity. No international human rights instrument addressed those concepts and Sudan firmly rejected their inclusion in the draft resolution, which thus contravened basic human rights principles and undermined the principle of respect for the societal norms and cultures of other States. Furthermore, his delegation fully disassociated itself from the fifteenth preambular paragraph and paragraph 11 of the draft resolution, and strongly objected to the references made in those paragraphs to the International Criminal Court, which did not have jurisdiction to consider human rights issues in Member States that were not State Parties to the Rome Statute. Indeed, the Court had jurisdiction over a mere 40 per cent of humanity and could not, therefore, act as a universal human rights tribunal. Moreover, many Member States harboured serious doubts about the neutrality and objectivity of the Court, which had become a political tool for the achievement of narrow political interests.

67. **Mr. Davis** (Jamaica) said that his Government condemned all forms of extrajudicial, summary or arbitrary execution and supported efforts to combat such acts at the national, regional and international levels. The draft resolution was important as it addressed impunity and violations of basic rights. His delegation had therefore voted in favour of the resolution as a whole.

68. However, it had reservations regarding the eleventh preambular paragraph and paragraph 5, which were drafted in such a way as to imply that use of the death penalty automatically amounted to extrajudicial, summary or arbitrary execution. Furthermore, instructions addressed specifically to States which retained the death penalty, such as those contained in paragraph 5, were inappropriate, as eliminating extrajudicial, summary and arbitrary executions was the responsibility of all States. The death penalty was not arbitrary and did not run counter to domestic or international law: it was applied in accordance with due process at the national level, and was provided for by international law.

69. His delegation's reservations on paragraph 6 (b) went beyond the issue of sexual orientation and gender identity. A more holistic approach was required to the paragraph: it was cumbersome and contained a laundry list of categories which was not exhaustive. Focus would have been better placed on the prevention of discrimination against all vulnerable persons, a general principle that all could have supported. His delegation hoped that in the future the sponsors would consider a more general reference to all vulnerable groups without distinction.

70. **Ms. Mendelson** (United States of America) said that her delegation welcomed the focus on gender equality and access to justice in the draft resolution. All States should combat all extrajudicial killings, including by punishing the perpetrators and investigating suspected cases, in accordance with their international obligations. Her delegation strongly supported the language in the resolution condemning extrajudicial, summary or arbitrary executions that targeted members of vulnerable groups, in particular members of the lesbian, gay, bisexual, transgender and intersex community. Countries that had capital punishment should abide by their international obligations, including those related to fair trial guarantees, and only use it for the most serious of crimes.

71. It was important to remember that unlawful killings by governments were regulated by two bodies of law: international human rights law and international humanitarian law. Determining which laws applied to any particular government action during armed conflict was highly complex. However, armed conflict was governed by international humanitarian law — which was therefore the body of law applicable to the conduct of hostilities and the protection of war victims, and her delegation interpreted the text on that basis.

72. **Ms. Tan** (Singapore), speaking in explanation of vote, reiterated that the death penalty, when carried out in accordance with due process of law, was not prohibited under international law, and that it must not be placed in the same category as summary,

extrajudicial and arbitrary executions. Her delegation therefore did not endorse the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, in which he erroneously conflated the death penalty with such executions. Her delegation had previously aired its concerns about the report during the interactive dialogue with the Special Rapporteur.

73. **Ms. Ndayishimiye** (Burundi) said that her delegation had intended to vote against, not in favour of, the draft resolution.

Agenda item 106: Crime prevention and criminal justice (*continued*) (A/C.3/71/L.12/Rev.1)

Draft resolution A/C.3/71/L.12/Rev.1: Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

74. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that the statement would not give rise to programme budget implications. Under the terms of paragraph 34 of A/C.3/71/L.12/Rev.1 the General Assembly would urge the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism. It was estimated that $6,100,000 per year of extrabudgetary resources would be required for the necessary activity to take place under the programme, which provided support to Member States for policy development, strengthening of institutional capacity and public awareness-raising in the areas of money-laundering and financing for terrorism. The activities would be carried out provided that the aforementioned extrabudgetary resources were made available; adoption of draft resolution A/C.3/71/L.12/Rev.1 would therefore not have any financial implications under the programme budget.

The meeting rose at noon.